

रजिस्टर्ड नं० पी० 461.



राजपत्र, हिमाचल प्रदेश (असाधारण)

हिमाचल प्रदेश राज्यशासन द्वारा प्रकाशित

शिमला, शुक्रवार, 24 दिसम्बर, 1971/3 पौष, 1893

GOVERNMENT OF HIMACHAL PRADESH HEALTH AND FAMILY PLANNING DEPARTMENT PANCHAYATS DEPARTMENT NOTIFICATION

Silma-2, the 23rd November, 1971

No. 4-3/71-CDP(PNT).—In exercise of the powers conferred by Section 249 of the Himachal Pradesh Panchayati Raj Act, 1968 (Act No. 19 of 1970), the Governor, Himachal Pradesh, proposes to make the following draft rules entitled as the Himachal Pradesh Nyaya Panchayats Rules, 1971 and the same are hereby published in the official Gazette for the information of the general public and a notice is hereby given that these draft rules will be taken into consideration after fifteen days from the date of publication in the Gazette.

If any person affected thereby, desires to take any objection or has any suggestion to make, regarding these draft rules he can send the same to the Secretary to Government of Himachal Pradesh, Panchayat Department, before the expiry of the above period. The objections or suggestions, if any, so received, will be taken into consideration before finalising these rules.

DRAFT RULES

CHAPTER I

Short title
and comm-
encement

1. (i) These rules may be called the Himachal Pradesh Nyaya Panchayat Rules, 1971.

(ii) They shall come into force on such date, as may be notified in that behalf by the State Government in the official Gazette.

Repeal

(iii) The Himachal Pradesh Panchayat Rules corresponding to Nyaya Panchayat as made by the Himachal Pradesh Government under section 135 of the Himachal Pradesh Panchayati Raj Act, 1952, are hereby repealed. But notwithstanding such repeal, anything done or any action taken in exercise of the powers conferred by such repealed rules, shall be deemed to have been done or taken under the corresponding provisions of these Rules.

Definitions

2. In these rules, unless there is any thing repugnant in the subject or context:

(a) "Act" means Himachal Pradesh Panchayati Raj Act, 1968 (Act 19 of 1970).

(b) "Section" means the pertaining Section of the said Act.

(c) "Form" means a form appended to these Rules.

(d) Words and expressions used but not defined in the Rules but defined in the Act shall have the same meaning, as assigned to them in the Act.

CHAPTER II

Prescribed
authority
for Section
194 of the
Act.

3. The Deputy Commissioner shall be the prescribed authority for the purpose of Section 194 of the Act.

Number of
Nyaya
Panches in
a Nyaya
Panchayat.

4. Every Nyaya Panchayat shall consist of seven Nyaya Panches.

Resignation
(Section 198
of the Act).

5. The Gram Panchayat shall be the competent authority to accept resignation of a Nyaya Panch. The resignation, if accepted, shall be deemed to have taken effect from the date it is accepted by the Gram Panchayat. After the resignation of a Nyaya Panch is accepted the Pradhan shall inform the Deputy Commissioner as well as Sarpanch and the Nyaya Panch concerned, of the date of accepting the resignation.

Removal
(Section 199
of the Act).

6. The Deputy Commissioner may during the course of enquiry or if the Deputy Commissioner so thinks proper for any reason to be recorded in writing, otherwise, suspend a Sarpanch, Naib-Sarpanch or a Nyaya Panch for any of the reasons for which he can be removed and debar him from taking part in any act or proceedings of the said body during that period and order him to hand over the records, money or any property of the said body to any person authorised by him in this behalf.

The Deputy Commissioner may, after such enquiry as he may deem fit and after giving a reasonable opportunity to the person concerned, remove the Nyaya Panch, Naib-Sarpanch or Sarpanch of the Nyaya Panchayat, if he—

(a) absents himself without sufficient cause from more than three consecutive sittings; or

- (b) refuses to act or becomes incapable of acting; or
- (c) has been guilty of misconduct in the discharge of his duties; or
- (d) is undesirable in the interest of public; or
- (e) incurs any disqualification for being a member of the Gram Panchayat under Section 9(5) of the Act.

7. Nyaya Panchayat shall hold sittings at the headquarters of the Gram Panchayat on such date and time as the Sarpanch may fix.

Nyaya Panchayat's time and place of meeting.

8. Nyaya Panchayat shall sit for as many days in a month as may be necessary for the speedy disposal of work.

Duration, Limitation of period for disposal of a case.

9. Every suit, case or proceeding shall ordinarily be finally disposed of within six weeks of its institution or its transfer to the Nyaya Panchayat. If it is not decided within this period, the Nyaya Panchayat shall record reasons for the delay in the prescribed register of cases and suits and also in the quarterly returns submitted to the Sub-Divisional Judge.

10. The dates on which the Nyaya Panchayat shall ordinarily sit in a month shall be published in the third week of every month preceding the month, sittings of which are to be notified by affixing the list outside the office of the Nyaya Panchayat.

Sittings to be notified.

11. A weekly list of suits, cases and proceedings with names of parties and the dates on which they are to be heard shall be hung up outside the office of the Nyaya Panchayat for general information.

Weekly list of cases to be notified.

12. No fee shall be charged from a party or witness for enquiring orally or by application, the date fixed for the hearing of his case, suit or proceedings.

No fee for enquiring date of hearing.

13. (1) As soon as an application orally or in writing is made under section 223, its substance shall be recorded in the prescribed register and the signature or thumb-impression of the applicant shall be taken in the register.

Application under section 223 of the Act, and constitution of bench of Nyaya Panches.

(2) The Sarpanch or Panch receiving the application shall, under section 224 record all particulars required under Section 202 for determining territorial jurisdiction and in cases of civil suit further record its description and valuation and in a criminal case, the nature of the offences, and, if possible, particulars of the matter mentioned in Section 214.

(3) (i) The Sarpanch or in his absence such Nyaya Panch as has been appointed by the Sarpanch in this behalf shall form a bench of three Nyaya Panches keeping in view the provisions of section 200 of the Act, for the trial and decision of the case, suit or proceedings.

(ii) At least one of the Nyaya Panches of the bench shall be a person who is able to record evidence or proceedings in Hindi, Pahari or Urdu in which language the proceedings of the Panchayat is recorded.

(iii) Every bench shall, unless the Sarpanch is a member of it, in which case he will be the Chairman choose one of the Nyaya Panches to be the Chairman of that bench.

(iv) If in a suit, case or proceeding the Sarpanch of a Nyaya Panchayat or the near relation, employer and employee or partner in the business of his, is a party or in which any of them may be personally interested or the Sarpanch finds any difficulty to form a bench according to sub-rule 3(i) the Sarpanch, instead of forming a bench under the said sub-rule shall

immediately after the institution of the suit, case or proceeding, as the case may be, submit the papers to the Sub-Divisional Judge who shall constitute a special bench for its trial.

Issue of
process by
Nyaya
Panchayat.

14. The Sarpanch or in his absence from the area a Nyaya Panch of the Nyaya Panchayat mentioned in section 223 who has received application, shall then issue summons or notices to the parties concerned and shall take action to secure their appearance before the bench of the Nyaya Panchayat in the manner laid down in section 234 of the Act.

Examination
of the parties
and
their witnesses.

15. (1) When hearing a civil suit or a revenue proceeding the Nyaya Panchayat shall first examine the plaintiff or applicant and his witnesses and afterwards the defendant or objector and his witnesses, as the case may be. While trying a criminal case it shall first explain to the accused the charge or charges made against him and shall then record prosecution evidence and then examine the accused and his defence:

Provided that if in a criminal case an accused makes a clear and voluntary confession of the crime, he may be convicted without recording any evidence while in civil suit or revenue proceedings if the claim of the plaintiff or the applicant is totally admitted by the other party, it will not be necessary for the Nyaya Panchayat to record any evidence.

(2) Each party shall be allowed to cross examine another party (except the accused) and its witnesses just after their examination-in-chief but the Nyaya Panchayat may, either of its own motion or on the request of any party examine any person at any stage of the proceedings before passing final orders and in such case party shall be entitled to put questions to the person so examined.

(3) Before examining any person except an accused a Nyaya Panchayat shall administer him the following oath:—

“I shall state the truth, and nothing but truth. So help me God.”

Inquiry into
question
of title or
right.

16. In matters involving a question of title or right under the personal law of the party, the Nyaya Panchayat shall make only a summary enquiry and shall not enter into intricate questions of title based on civil and personal laws. In case of any doubt or difficulty it may make reference to Sub-Divisional Officer/Judge, as the case may be, having jurisdiction and may act thereafter according to his directions.

Return of
documents.

17. If any document other than the one on which a suit is based is produced, it shall be noted, endorsed and returned by the Nyaya Panchayat after the case has been finally disposed of. The document on which a suit is based may be returned after the party producing the same has filed a certified copy of the document.

Examination
of woman
on commis-
sion.

18. (1) If a woman as a party or a witness wishes herself to be examinee by the Nyaya Panchayat on commission her representative acting under section 228 or the party calling her as a witness shall make an application to Nyaya Panchayat in that behalf, and if ordered by the Sarpanch, shall deposit conveyance charges at the rates fixed by the Sub-Divisional Officer or arrange for a conveyance for one of the Panches of the Nyaya Panchayat. The Sarpanch or Panch nominated by him shall thereupon on a specified date and time information of which shall be given to the parties and the witness, examine the woman at her residence in the same manner as if she were appearing before the Nyaya Panchayat.

(2) The statement so recorded shall be signed or thumb marked by the woman tendering witness and attested atleast by an identifying witness and shall form part of the record of the case, suit or proceeding concerned.

19. After ascertaining the facts of the case, suit or proceeding by examining the parties, their witnesses and the documents produced, if any, the Nyaya Panchayat shall record, in the prescribed Form (Forms I and II) as the case may be, a brief judgement or order and the signatures of the Nyaya Panches and signatures or thumb-impressions of the parties present shall be obtained thereon. Thereafter a decree in the prescribed Form (Form No. III) shall be drawn up:

Judgement
Order or
decree.

Provided that in case the parties refuse to sign or affix their thumb-impressions it shall not be necessary to compel them to do so.

20. If during the pendency of a criminal case, other than a police case, either the complainant or the accused dies, the case shall abate, but if during the pendency of a civil suit or revenue proceedings any party dies the legal representative of the said party shall be made a party to the suit or proceedings, as the case may be, subject to the provisions of section 216 of the Act.

Disposal of
cases pend-
ing on death
of any party.

21. The fine imposed or the compensation granted by Nyaya Panchayat shall be paid to the Sarpanch, the Secretary, or a Nyaya Panch duly authorised by Sarpanch in this behalf, and he shall give a receipt for the amount in Form No. IV.

Payment of
fine or com-
pensation.

22. The language of Nyaya Panchayat and of all its record and registers shall be Hindi, Pahari or Urdu.

Language
of Nyaya
Panchayat.

23. An appeal against the order of a bench of the Nyaya Panchayat under section 239 of the Act shall be filed in writing within the prescribed period of limitation (excluding the time spent for obtaining the copy of the order) at the head office of the Nyaya Panchayat during the working hours and the working days. The appeal shall bear the court fee as prescribed for the original suit, cases or proceedings and shall be accompanied with a copy of the final order of the bench against which appeal is preferred.

Filing of
appeals
before
Nyaya
Panchayat
and what
should it
comply.
(Section 239
of the Act).

24. The Secretary of the Nyaya Panchayat shall receive the appeal and shall endorse thereon the following particulars:—

Appeal how
received in
the office of
Nyaya
Panchayat.

(a) Date and time of receipt with the note whether the appeal is within time.

(b) Whether it bears the prescribed court fee?

(c) Whether the copy of the final orders against which the appeal is preferred is attached?

He shall then enter the appeal in the register maintained in Form V.

25. The Secretary after having received the appeal and entered it in the register as hereinbefore provided, shall place it before the Sarpanch without any unreasonable delay.

Placing the
appeal
before the
Sarpanch.

26. The Sarpanch shall dismiss the appeal forthwith if it is time barred unless he condones the delay for any sufficient reason, or if the amount of court fee has not been paid or is not accompanied by the copy of the order against which the appeal is preferred.

Dismissal
of appeal
when time
barred etc.

27. If the appeal is not dismissed under last foregoing rule then the Sarpanch shall call for the record of the case, suit or proceeding against which the appeal has been filed and shall fix a date for the hearing of the appeal:

Calling the
record of
case, suit
or pro-
ceeding.

Provided that a Sarpanch shall see, while fixing the date that it is possible to give at least a fortnight's notice to the parties and Nyaya Panches, to attend the meeting. The Sarpanch shall thereafter issue a notice to the

parties and to the Nyaya Panches to attend on the date of hearing. The notice shall be served in the same way as the notice of the bench of a Nyaya Panchayat.

Compliance of the provisions of section 239 of the Act.

28. On the date of hearing the Sarpanch shall in the first instance constitute a full bench of the Nyaya Panchayat of the circle as required under section 239(1) of the Act. The full bench shall be constituted of five members as under:—

1. Sarpanch;
2. Two Nyaya Panches to be selected by the parties out of the three of the Nyaya Panches who heard or decided the case, suit or proceeding against which appeal is preferred;
3. Two Nyaya Panches to be selected by the Sarpanch out of the remaining Nyaya Panches:

Provided that in case parties refuse to make such selection, the Sarpanch shall himself make the selection of the Panches out of the Panches who heard or decided the matter earlier, in place of the Panches to be selected by the parties.

The hearing shall not commence till the minimum number of Nyaya Panches, as provided in section 232 of the Act, is present. When the necessary number of Nyaya Panches have presented themselves the Sarpanch shall note the fact with the name of the Nyaya Panches present on the file and the case shall be called up.

Dismissal of appeal in default and compensation to the respondent.

29. If the applicant fails to appear the Nyaya Panchayat shall dismiss the appeal and may as well award costs to the respondent if in attendance, to an amount not exceeding rupees ten.

Hearing of an appeal ex-parte.

30. (1) If in the case of a civil appeal the respondent fails to appear even though duly notified the Nyaya Panchayat shall proceed to hear the appeal ex-parte.

(2) If in case of a criminal appeal the respondent fails to appear in spite of notice the Nyaya Panchayat shall proceed to hear the appeal ex-parte:

Provided that if the appeal is against an order of acquittal, the same shall be dismissed.

Procedure in hearing the appeal.

31. If an appeal is not dismissed under rule 29 the Sarpanch shall fix a date, issue notice to the parties and Nyaya Panches comprising the full bench and on the date of hearing:—

- (1) The Nyaya Panchayat shall first hear the appellant then the respondent, and shall then grant opportunity to the appellant to give a brief reply. The Nyaya Panchayat may for special reasons to be recorded summon and examine such witness or witnesses as it deems necessary in the interest of justice.
- (2) No hearing of an appeal by a Nyaya Panchayat shall be adjourned to another date, except as provided in rule 34.

Decision by Nyaya Panchayat.

32. After hearing the parties, the parties shall be sent out and the Nyaya Panchayat shall then discuss the whole case and come to a decision. In case of difference of opinion the decision shall be taken by majority of votes. In case of an equality of votes Sarpanch shall have the casting vote.

33. The decision of the Nyaya Panchayat shall then be recorded into writing on the file by the Sa panch signed by Nyaya Panches and the parties shall again be called and order announced to them.

Recording and announcement of decision.

34. On the date fixed for hearing if the parties have not been served then case shall be adjourned for another date.

Adjournment of appeal on account of non-service.

35. All notices to the parties and the Nyaya Panches issued under rule 17 shall be required to be returned back at least seven days before the date of hearing and in case service has not been affected, and the parties remain absent, then the Sarpanch shall adjourn the case and shall inform the Nyaya Panches of such decision.

Service of notice.

36. After the order is announced and decree framed, if so necessary, the case shall be sent back to the bench of the Nyaya Panchayat from the decision whereof the appeal was preferred and the said bench shall execute the order of the Nyaya Panchayat in appeal as if it had been passed by the said bench of the Nyaya Panchayat.

Order of the full bench of the Nyaya Panchayat in appeal to be executed by concerned bench.

37. Each Nyaya Panchayat shall have a seal inscribed with its name and shall use the same on all processes, orders, decrees and copies issued by it.

Seal of Nyaya Panchayat.

38. The following fees in cash shall be charged by the Nyaya Panchayat before entertaining any case, suit or proceeding.

Court Fees (Sec. 223(1) of the Act).

Civil suits

Fees to be charged

When the amount or value of the subject matter in dispute does not exceed rupees ten. Twenty five Paise.

When it exceeds rupees ten but does not exceed rupees twenty five. Fifty paise.

When it exceeds rupees twenty five but does not exceed rupees fifty. Rupee one.

When it exceeds rupees fifty but does not exceed rupees two hundred. Twenty five paise for every ten rupees or part thereof.

When it exceeds rupees two hundred. Forty paise for every ten rupees or part thereof.

1. Criminal complaints. Rupee one.

2. Miscellaneous applications in a suit, case or proceeding. Twenty-five paise:

Provided that the Nyaya Panchayat, in its discretion shall have the power to waive the payment of a fee in a criminal case but shall note its reasons for doing so in the register of criminal cases:

Provided further that where Nyaya Panchayat decides that it has no jurisdiction, it shall return the fee paid by the applicant, together with the application if in writing.

- Fees on certificate of execution.** 39. A fee calculated at the same rate as that given in rule 38 shall be levied by the Nyaya Panchayat from the decree holder before it issues a certificate of execution to another court and the same shall be added to the amount to be recovered under the certificate.
- Application for copy of records and fee thereon.** 40. Every application for obtaining a copy of the records of the Nyaya Panchayat shall be made to the Sarpanch or any other Nyaya Panch authorised by him and shall be accompanied with a fee of ten paise.
- Copying fee** 41. Copying fees shall be charged at the rate of twenty-five paise for every two hundred words or fraction thereof.
The Nyaya Panchayat for special reasons may grant a copy of its order to an accused free of cost in case of his conviction.
- Advance cost.** 42. Every application shall be accompanied by an advance sufficient to cover the estimated cost of the copy applied for.
- Preparation and the delivery of the copy.** 43. The Sarpanch of the Nyaya Panchayat may then get the copy prepared on plain paper, certify it as a true copy under his signature and seal and deliver it to the applicant or his duly authorised agent, and also refund to him the balance if any left out of the advance after meeting the copying charges.
- Credit and disbursement of fees.** 44. (1) All the fees chargeable under rules 38, 39, 40 and 41 shall be paid in cash to the Secretary of Nyaya Panchayat and in his absence to the Sarpanch who will credit them to Nyaya Panchayat fund and shall forthwith give a receipt under his signature in Form IV.
(2) There shall be Nyaya Panchayat Fund for each Nyaya Panchayat and the Nyaya Panchayat shall maintain such fund in account book in form No. VI in which all fees received and all expenses incurred shall be entered.
- Summons to a person to attend or produce a document.** 45. Unless the parties bring with them their own witnesses, every summons or notice issued by a Nyaya Panchayat shall be, in duplicate, and in the prescribed Form No. VII. It shall specify the time, date and place at which the person is required to attend and whether his attendance is required as an accused, defendant, a judgment debtor or other party or a witness and whether for a purpose of giving evidence or to produce a document or for other purposes.
If any particular document is to be produced it shall be described in the summons or notice with reasonable accuracy.
- Summons to produce documents.** 46. Any person may be summoned to produce a document without being summoned to give evidence, and any person summoned merely to produce a document shall be deemed to have complied with the summons if he causes such document to be produced instead of attending personally to produce it.
- Persons exempted from attendance in court not to be summoned.** 47. No Nyaya Panchayat shall summon to appear before it, for the purpose of giving evidence persons who, according to the custom of the country or under the provisions on the Code of Civil Procedure, 1908 or under the Law in force are exempt from personal attendance in court.
- Service of summons.** 48. If the person on whom the summons or notice is to be served resides within the jurisdiction of the Nyaya Panchayat procedure outlined in rule 14 to 35 shall be followed.

49. If the summons or notice is to be served at the instance of the party, the Nyaya Panchayat shall, except in a criminal case initiated by a public servant in his official capacity recover fee of seventy five paise per summons or notice, from that party.

Service fee

The fee shall be credited to the Nyaya Panchayat fund and may be paid to the process server at the rate of 50 paise per summons or notice.

50. The summons or notice shall ordinarily be served by a Chowkidar or process server, but the Sarpanch or Nyaya Panch who directs its issue may, in his discretion, cause it to be served by any other person.

Person charged with process serving.

51. The summons or notice shall be served by delivery to the person concerned, whose signature or thumb impression shall be taken on the duplicate. If the person concerned can not be found or if it appears that he is evading service, the Sarpanch or a Nyaya Panch may order that the summons or notice may be served on any adult male member of the family of the persons residing with him, or affixed to some conspicuous part of the house in which the person ordinarily resides.

Method of service with in jurisdiction.

52. If the summons or notice is required to be served on any servant of the Government or semi Government the same shall be sent in duplicate by registered post at the expense of party concerned to the head of office under whom the servant summoned is working who shall return the original after service to the authority issuing the summons or notice as the case may be.

Method of service on Government or Semi-Government servants.

53. If the person to be summoned by Nyaya Panchayat in suit, case or proceedings resides outside the jurisdiction of the Nyaya Panchayat the Nyaya Panchayat shall send the summons by post or otherwise, to the Nyaya Panchayat or the court within whose jurisdiction person on whom it is to be served resides and such Nyaya Panchayat or court shall cause it to be served as if it were its own summons and shall return the duplicate to the Nyaya Panchayat concerned. If the person summoned is a witness, the Nyaya Panchayat shall require the person at whose instance the summons is to be issued to deposit diet money payable to the witness under these rules before the summons is issued. The amount of the diet money shall be noted on the summons and shall be paid to the witness on his appearance.

Method of serving outside the jurisdiction.

54. A summon issued by a Nyaya Panchayat under rule 53 shall be sent to the Nyaya Panchayat or the court concerned, by post or otherwise and shall contain a note that it has been issued by the Nyaya Panchayat of its own motion and that diet money shall be paid by the Nyaya Panchayat to the witness on his appearance.

Procedure of summons issued under rule 53.

55. When Nyaya Panchayat summons a witness of its own motion and such witness resides beyond its jurisdiction, it shall pay diet money to the witness out of the Nyaya Panchayat fund.

Diet money from Nyaya Panchayat fund.

56. Nyaya Panchayat may refuse to summon a witness if, in its opinion his attendance cannot be procured without any amount of delay, expense or inconvenience, which, in the circumstances would be unreasonable.

Refusal to summon a witness.

57. Diet money includes (a) a daily allowance, and (b) travelling expenses and is intended to re-imburse witnesses from the reasonable expenses incidental to their attendance before the Nyaya Panchayat.

Definition of diet money.

Rate of
daily and
travelling
allowances.

58. Daily allowance and travelling allowance shall be paid to the witnesses at the following rates by the Sarpanch considering the status of the witness:—

- (i) Daily allowance Rs. 2.00 to 3.00.
- (ii) Travelling allowance for a journey by road actual expenses incurred upto a maximum of twenty-five paise per kilometre.
- (iii) Travelling allowance for a journey by rail and a half railway fare of a class considered suitable by the Sarpanch.
- (iv) If a servant or officer of the Government or a local body is summoned as a witness, his daily and travelling allowance shall be governed by the rules of the Government or the local body, as the case may be. If there are no rules for any local body in this connection, the daily and travelling allowance shall be determined by the Nyaya Panchayat.

Register of
diet money
and issue of
receipt.

59. Whenever diet money is deposited, the Nyaya Panchayat shall give a receipt to the person depositing it and shall forthwith enter in the register of diet money (Form No. VIII) the name of the depositor and the amount deposited. On payment of the diet money to a witness or in its repayment to the depositor the Sarpanch or Nyaya Panch in whose presence the amount is paid shall sign the register of the diet money.

Power of
investigation

60. The Nyaya Panchayat or any Nyaya Panch of it duly authorised in this behalf may, for ascertaining facts conducive to the proper disposal of a case or reference, enter upon any land or building, at any time between sunrise and sunset after giving twenty-four hours notice to the occupier, or when there is no occupier, to the owner of such land or in his absence his representative, if the land or building is in the occupation of persons who according to the custom of the country do not appear in the public, due notice may be given to them to withdraw.

Application
for execution
(Section 242
of the Act).

61. (1) The decree or order holder may, after the passing of the decree or order put in an application for its execution on payment of the same fee as is provided for the institution of the original suit, case or proceedings before the Nyaya Panchayat which passed the decree or order, and the same shall be included in the costs.

(2) The Nyaya Panchayat shall issue a notice to the opposite party to pay up the decretal amount or comply with the order within thirty days or such further time not exceeding three months as it may deem fit to allow after the notice is served. If the amount is not paid or order not complied with within the period specified, the decree or order shall be sent to the Sub-Divisional Judge, as the case may be for execution as provided in sub-section (2) of section 242 of the Act and in case of civil decree the judgment debtor shall be liable to pay interest on the decretal amount at six per cent per annum from the date of institution of the suit till the date of realisation of the decretal amount.

Registers to
be maintained
by
Nyaya pan-
chayat.

62. The following registers shall be maintained by the Nyaya Panchayat:—

- (1) Register of civil suit in Form IX.
- (2) Register of revenue proceedings in Form X.
- (3) Book of receipts for money received in Form IV.
- (4) Register of processes and summons issued or sent for services in Form XI.
- (5) Register of diet money in Form VIII.
- (6) Register of criminal cases in Form XII.
- (7) Register of fines in Form XIII.

- (8) Inspection book.
- (9) Nyaya Panchayat fund account book in form VI.
- (10) Register of execution of decrees in Form XIV.
- (11) Proceedings book in Form XV.
- (12) Register of appeals in Form V.

63. In addition to the registers prescribed in these rules the Director may, whenever he thinks fit, order the maintenance of any other register or book by a Nyaya Panchayat

Additional registers.

64. (1) Records of every case Criminal, Civil or Revenue decided by a Nyaya Panchayat shall be consigned to the general record room at district or sub-divisional headquarters one year after they have been closed. Such records shall be kept and destroyed in accordance with the Destruction of Records Act, 1917, and the rules made thereunder.

(2) All judicial and non-judicial registers and books maintained by a Nyaya Panchayat shall, when finished, be kept in the Nyaya Panchayat Office for two years after which they shall be consigned to the general records room of the Deputy Commissioner's Office.

65. The registers, books and forms prescribed herein shall be in the forms appended to these rules but the Director may by a general or special order, make any alterations in them.

Form of registers.

66. A Nyaya Panchayat shall in the form of prescribed registers submit returns to the sub-divisional judge of civil and criminal cases and those regarding revenue proceedings to the Sub-Divisional Officer.

Quarterly returns of Nyaya Panchayat.

67. The record of a case, suit or proceeding which is pending or which has been decided but the record of which has not been deposited under rule 64, may be inspected by a party thereto free of charge. Any other person, desiring to inspect such record, shall obtain the permission of the Chairman of the bench before whom the case, suit or proceeding is pending or Sarpanch of the Nyaya Panchayat, if it has been decided, by presenting an application stating therein the nature of the interest for the protection of which inspection is sought. On permission being granted, inspection shall be allowed on payment of inspection fees laid down in rule 68.

Inspection of pending records.

68. The record of a pending case, suit or proceeding includes the record of a decided case, suit or proceeding called for in connection with a pending case.

69. The inspection fee shall be twenty-five paise for the first hour and fifteen paise for any subsequent hour or fraction thereof for every record inspected. The fee chargeable under this rule shall be paid in cash with the application for inspection to the Sarpanch who shall credit it to the Nyaya Panchayat fund and shall forthwith give a receipt under his signature in the prescribed Form IV.

Inspection fee.

70. The inspection shall be made in the office of the Nyaya Panchayat and during the office hours.

Place and time for inspection.

71. The use of pen and ink during inspection is prohibited. Inspection of any record shall be made only in presence of an officer of the Nyaya Panchayat.

General prohibition and directions for inspections.

CHAPTER IV

MISCELLANEOUS PROVISIONS RELATING TO NYAYA PANCHAYATS

Expenses of
Nyaya
Panchayats
(Sec. 251 of
the Act).

71. (1) A Nyaya Panchayat shall, two months before the winter meeting of the Gram Sabha send to the Gram Panchayat of the area an estimate of its income and expenditure for the next financial year.

(2) The expenses of the Nyaya Panchayat shall be charged to the Sabha fund of the Gram Sabha of the area.

Section 252
of the Act.

72. (1) At the close of each quarter of the year, the Nyaya Panchayat shall deposit the balance of Nyaya Panchayat Fund in the Government treasury under intimation to the Block Development Officer concerned. A copy of the Challan shall be kept in the record of the Nyaya Panchayat.

(2) At the close of the year, the Block Development Officer shall prepare a statement of the amounts deposited by each Nyaya Panchayat of his Block during the preceding year duly verified by the Sub-Treasury/Treasury Officers concerned and shall send the same to the Deputy Commissioner of the district.

(3) The Deputy Commissioner, in his turn, shall consolidate the statements referred in sub-rule (2) above for the whole district and after getting it verified by the Treasury Officer, forward the same to the Director.

(4) The Director shall arrange for the disbursement of the amount deposited by each Nyaya Panchayat to the Gram Panchayat of the area.

Secretary of
Nyaya Pan-
chayat
(Section 254
of the Act).

73. The Secretary of the Gram Panchayat shall also be an *ex-officio* Secretary of the Nyaya Panchayat of the area and will act under the control and supervision of the Sarpanch and Naib-Sarpanch and shall be responsible for the proper maintenance and safe custody of Nyaya Panchayat records and submission of the periodical returns prescribed under the Act and these rules and shall also comply with all such directions and instructions, as may be issued by the Government or the Director from time to time.

74. The cash in hand of the Nyaya Panchayat fund shall remain with the Secretary of the Nyaya Panchayat and he shall deposit the same in the Government treasury at the close of each quarter of the year as provided in rule 72 (1).

FORM I

JUDGMENT FORM OR DECREE

(See Rule 19)

1. No. of suit or proceedings.....
2. Date of institution or receipt.....
3. Valuation of suit.....
4. Amount of fees collected.....
5. Date of disposal.....

Name of the Nyaya Panches giving decision.....
 name of plaintiff or applicant.....
 name of defendant or opposite party.....
 Parentage Parentage.....
 Religion Religion.....
 Age Age.....
 Place of residence Place of residence.....
 Name of Gram Sabha Name of Gram Sabha.....
 Subject matter of the suit and contentions of either side with the intermediate orders and synopsis of evidence order, with reasons in brief and its nature with signature of the Nyaya Panches.

Signature or thumb impressions of parties.

Remarks showing the steps taken to execute the decree or order.

FORM II

JUDGMENT ORDER OF DECREE

(See Rule 19)

1. Number of case.....
2. Date of institution.....
3. Amount of fees collected.....
4. Date of disposal.....

Name of applicant	Name of accused
Parentage	Parentage
Age	Age
Religion	Religion
Place of residence	Place of residence
Police Station.....Gram Sabha	Police Station

Substance of the complaint and plea of the accused with intermediate order and synopsis of evidence orders, with reason in brief and signatures of the Nyaya Panches.

Signature or thumb impressions of parties.

Remarks showing whether the fine is recovered or how the order of the Nyaya Panchayat was given effect to.

FORM III

DECREE FORM
(See Rule 19)

Plaintiff

Versus

Defendant

Claim for

This suit coming on this day for final disposal before the Panchayat
.....in presence of the plaintiff/plaintiff's mukhtar and/or the defendant or defendant's mukhtar, it is ordered that.....
do pay to the the sum of
rupees

Given under my hand and seal of the Nyaya Panchayat this.....
day of

Signature of the Sarpanch.

Nyaya Panchayat.....

FORM IV

FORM OF RECEIPT

[See Rules 21, 44(1) and 62]

.....Nyaya PanchayatNyaya Panchayat
No.....dated.....	No.....dated.....
Received from Shri.....	Received from Shri.....
a sum of rupees	a sum of rupees
on account of.....	on account of

Court fee
Execution fee
Copying fee
Fine etc.

Court fee
Execution fee
Copying fee
Fine etc.

Signature of Sarpanch/Naiib-
Sarpanch/Secretary.

Signature of Sarpanch/Naiib
Sarpanch/Secretary.

FORM V

REGISTER OF APPEALS

(See Rules 24 and 62)

Nyaya Panchayat.....

1. Serial Number
2. Date of institution
3. Name and description of appellant
4. Name and description of respondents

DECREE OR ORDER APPEALED FROM

5. Of what Nyaya Panchayat.....
6. Number and year of the original suit.....
7. Particulars of decree or order.....

HEARING OF JUDGEMENT

8. Under which date law and section the appeal is preferred
9. Purpose for which the date is fixed.....
10. Date
11. Whether confirmed
12. Abstract of order
13. Abstract of order.....

MODIFICATION OF THE DECREE IN REVISION, REVIEW OR AMENDMENT

14. Nature of the order and Nyaya Panchayat by which the order was passed
15. Date and purpose of the order
16. Number in record, keeper's register.....
17. Remarks.....

FORM VI

ACCOUNT BOOK FORM

[See Rules 44(2) and 62]

RECEIPTS

Date and month	Particulars	Folio	Receipt No.	Amount
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DISBURSEMENTS

Date and month	Particulars	Folio	Receipt No.	Amount
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FORM VII

SUMMONS

(See Rule 45)

Serial No.	Serial No.
Names of the parties	Names of the parties
Nature of offence or claim	Nature of offence or claim.....
Date of institution	Date of institution

<p>Name and description of the persons summoned whereas this case will be placed Before the Nyaya Panchayat..... on (date and time) at place</p> <p>Youare hereby required to attend as an accus- ed/defendant/judgment debtor/other party/witness, for giving evidence/to produce the following documents.</p> <p>(Seal) <i>Signature of the Chair- man or any Nyaya Panch.</i></p> <p>Date</p>	<p>Name and description of the persons summoned whereas this case will be placed Before the Nyaya Panchayat..... on (date and time) at place</p> <p>Youare hereby required to attend as an accused/defendant/judgment debtor/other party/witness, for giving evidence/to produce the following documents.</p> <p>(Seal) <i>Signature of the Chairman or any Nyaya Panch.</i></p> <p>Date</p>
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FORM VIII

REGISTER OF DIET MONEY
 (See Rules 59 and 62)

1. Number of case.....
2. Date of deposit.....
3. By whom deposited.....
4. Amount paid Rs..... P.....
5. To whom paid.....
6. Date of payment
7. Signature of Sarpanch or Nyaya Panch before whom payment is made.....

FORM IX

REGISTER OF CIVIL SUITS NYAYA PANCHAYAT
 (See Rule 62)

1. Serial Number.....
2. Date of institution.....
3. Name of the applicant or plaintiff and father's name and address.....
4. Name of the defendant, father's name and address.....
5. Description of the suit.....
6. Valuation of the suit.....
7. Date of discussion.....
8. Judgment
9. Whether any appeal filed.....
10. Decision in appeal of revision
11. Date of consignment of the file to record room.....
12. Signature
13. Remarks.....

FORM X

REGISTER OF REVENUE PROCEEDINGS NYAYA PANCHAYAT

(See Rule 62)

1. Serial number.....
2. Date of institution.....
3. Name of applicant with father's name and address.....
4. Name of the respondent with father's name and address.....
5. Description of proceedings.....
6. Valuation of the case.....
7. Date of decision.....
8. Judgment.....
9. Decision in appeal or revision.....
10. Date of consignment of the file to record room.....
11. Signature.....
12. Remarks.....

FORM XI

REGISTER OF SUMMONS OF NYAYA PANCHAYAT.....

(See Rule 62)

1. Serial number.....
2. Number of the case/suit in which summon is issued.....
3. The names of the person to whom the summon has been issued.....
4. Date of issue of summon.....
5. The date of handing over summon to Chowkidar.....
6. Signature of Chowkidar.....
7. Date of service of summon.....
8. Date of return of summon to the Panchayat.....
9. Signature of Secretary.....
10. Total amount of service fee. ..
11. Share of Chowkidar.....
12. Date of disbursement to Chowkidar.....
13. Signature of Chowkidar.....

FORM XII

REGISTER OF CRIMINAL CASES OF NYAYA PANCHAYAT

(See Rule 62)

1. Serial Number.....
2. Date of institution.....
3. Name, father's name and address of the complainant.....
4. Name, father's name and address of the accused.....
5. Offence.....
6. Date of decision.....
7. Judgment.....
8. Whether any appeal filed.....
9. Decision in appeal.....
10. Date.....
11. Signature.....
12. Remarks.....

FORM XIII

REGISTER OF RECOVERY OF FINE NYAYA PANCHAYAT

(See Rule 62)

1. Serial Number.
2. Number of case.
3. Description of case.
4. Particulars of the parties.
5. Date of decision.
6. Amount of fine.
7. Name of the party on which fine imposed.
8. The amount of fine recovered.
9. Date of receipt.
10. Date of presentation of application to the court.
11. Recovery by Sub-Divisional Judge.
12. Balance of fine.
13. Remarks.

FORM XIV

REGISTER OF EXECUTION OF DECREE NYAYA PANCHAYAT

1. Serial number.
2. Date of presentation of application.
3. Number of the suit.
4. Name and address of the parties to the suit.
5. Date and description of decree.
6. Name of the applicant.
7. Name of the Judgment debtor.
8. Prayer of the applicant.
9. Date and result of execution.
10. Brief contents of the order with date and name of the officer passing orders.
11. Date of coassignment of the file to the record room.
12. Remarks.

FORM XV

FORM OF PROCEEDING BOOKS

(See Rule 62)

1. Date.
2. Names of Nyaya Panches present.
3. Business transacted.

Signatures of the Nyaya Panches present.

Sd/-

Secretary,

*Panchayats to the Government
of Himachal Pradesh.*